

## Berg, Elizabeth

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**From:** Tennis, Rachel  
**Sent:** Thursday, April 10, 2014 11:22 AM  
**To:** Nicholas W. van Aelstyn; Berg, Elizabeth  
**Cc:** Taylor, Andrew  
**Subject:** RE: Yosemite Slough

Nico:

Thank you for your email about the Chronicle article last week. As Thanne said in her reply, some of the information in the article is outdated and was not confirmed with the site team in advance. The projected date for beginning cleanup has now been corrected in the online version of the article. I regret the confusion and I look forward to continuing discussions with you and others on the basis of our March 10 meeting. Please know that EPA recognizes the work the Convening Group has put into developing an allocation process and appreciates the parties' ongoing efforts to find a workable way forward.

In response to your other questions:

- I understand that you have now received a CD with the March 7 GNLs and the 104(e) correspondence related to Gonzalez Bucket & Drum.
- The site team is still in the process of conferring with EPA management about GNLs associated with GBD.
- EPA contacted counsel for both AT&T (formerly Pacific Bell) and PG&E regarding the transformer oil spill at 6150 3<sup>rd</sup> St. AT&T's attorney suggested contacting the company's former Manager of Health & Environmental Site Support, William Keenan. Andrew interviewed Mr. Keenan, who used to perform inspections at the 3<sup>rd</sup> St. property. He remembered that the spill had occurred but could not remember much specific information. He did remember that the transformer was located in a below-grade pit and that PG&E had taken responsibility for cleaning up the spill. He could not think of any reason PCBs would have been discharged into the sewer. PG&E's attorney informed us late last week that PG&E had searched its files but was unable to find any information related to a transformer oil spill at the 6150 3<sup>rd</sup> St. address. Based on the information we have, we continue to believe there is not a sufficient basis to issue GNLs to Pacific Bell or PG&E as to this property. As promised during our March 10 meeting, EPA has issued a 104(e) request to Exide concerning historical operations.
- I plan to send a letter to all PRPs concerning an interim AOC before the end of April.

Like you and Thanne, I am very sorry to see Craig go. I enjoyed working with him and I know he had developed good working relationships with the members of the Technical Stakeholder Committee. I hope to have news about the new RPM soon and will let you know when I do.

Regards,  
Rachel

Rachel Tennis  
US EPA Region 9  
Office of Regional Counsel  
75 Hawthorne Street  
Mail Code: ORC-3-4  
San Francisco, CA 94105  
(415) 972-3746

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**From:** Nicholas W. van Aelstyn [mailto:NvanAelstyn@bdlaw.com]  
**Sent:** Friday, April 04, 2014 2:48 PM  
**To:** Berg, Elizabeth  
**Cc:** Tennis, Rachel; Taylor, Andrew  
**Subject:** RE: Yosemite Slough

Hi Thanne,

Thanks for your earlier email and for following-up on this. Yes, I received the FedEx package just a little while ago. A good weekend to you as well.

Nico

**Nicholas W. van Aelstyn**

Principal  
Beveridge & Diamond, P.C.  
456 Montgomery St. Suite 1800  
San Francisco, CA 94104  
T (415) 262-4008 ~ F (415) 262-4040  
NvanAelstyn@bdlaw.com



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**From:** Berg, Elizabeth [mailto:Berg.Elizabeth@epa.gov]  
**Sent:** Friday, April 04, 2014 2:39 PM  
**To:** Nicholas W. van Aelstyn  
**Cc:** Tennis, Rachel; Taylor, Andrew  
**Subject:** RE: Yosemite Slough

Nico:

Andrew was able to answer one of your questions. Yesterday a cdrom with the March GNLs and the Gonzales 104(e) letters and responses were fedex'd to you (and other PRPs, and David Batson). You should be receiving them today if you have not already. The review for PPI for redaction before release took longer than expected.

Have a good weekend.

Thanne

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**From:** Nicholas W. van Aelstyn [mailto:NvanAelstyn@bdlaw.com]  
**Sent:** Friday, April 04, 2014 11:40 AM  
**To:** Berg, Elizabeth  
**Subject:** FW: Yosemite Slough

Hi Thanne,

I received an autoreply to my email below indicating that Rachel would be out until April 10 and to contact you in the meantime, so I thought I'd pass it along to you.

Nico

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**From:** Nicholas W. van Aelstyn  
**Sent:** Friday, April 04, 2014 11:37 AM  
**To:** Rachel Tennis ([Tennis.Rachel@epa.gov](mailto:Tennis.Rachel@epa.gov))  
**Subject:** Yosemite Slough

Dear Ms. Tennis,

I've been meaning to write to you for a while now, but today's front-page article in the Chronicle prompts me finally to do so. I'm sure you've seen it, but in case not here's a link to the online version: <http://www.sfgate.com/politics/article/Hazardous-Yosemite-Slough-in-S-F-finally-getting-5376301.php#photo-1815750>. A few of the quotations attributed to Jared Blumenfeld in the article are at odds with statements that were made by representatives of EPA at our meeting on March 10. For example, the article includes the sentence, "Blumenfeld said the cleanup work will begin next year and be completed by 2016." At the March 10 meeting, Craig Cooper stated that the remedial design work would take two years and the remedy would not be undertaken until 2017. The article also cites Mr. Blumenfeld for the statement that the "settlement process [with the PRPs] should be completed by the end of the year." That is not entirely consistent with what we discussed on March 10. Can you please clarify EPA's position on the schedule and the path forward?

I wanted to follow-up on a couple of other items from the March 10 meeting. First, EPA committed to providing the PRPs at the March 10 meeting with copies of a few items, namely (1) the GNLs that EPA issued on March 7, and (2) the 104e information requests and responses relating to the former Gonzalez Bucket & Drum ("GBD") facility. Can you please advise as to when we can expect to receive copies of these materials? Second, EPA indicated that it would be getting back to us about a few items after conferring internally. These included (1) whether it would issue additional GNLs to entities associated with the former GBD facility, (2) the status of the on-going investigation with respect to the 6150 Third St. location (*i.e.*, PG&E's role in the transformer spill and Exide), and (3) the path forward that we discussed of an interim AOC covering the investigation studies required for the remedial design. Can you please advise as to when we can expect to hear from EPA on these issues?

Lastly, we learned from an email that Craig Cooper sent to the members of the Technical Stakeholder Committee on Friday, March 21, that the Action Memo had been issued and posted to the EPA website that day. Perhaps more importantly, we learned that Mr. Cooper had accepted EPA's early retirement offer and we understand that March 31 was his last day. I must admit that I was sorry to hear this. While we certainly did not always see eye-to-eye, Craig is one of the best and most conscientious RPMs with whom I have ever worked, and I've been doing this for a while. He will be missed. Has EPA named a new RPM for the Yosemite Slough matter?

Thanks for your attention to these matters. I look forward to hearing from you.

Sincerely,

Nico

Nicholas W. van Aelstyn

Principal  
Beveridge & Diamond, P.C.  
456 Montgomery St. Suite 1800  
San Francisco, CA 94104  
T (415) 262-4008 ~ F (415) 262-4040  
[NvanAelstyn@bdlaw.com](mailto:NvanAelstyn@bdlaw.com)



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